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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/917,761	08/27/97	BALLARD	C 2269-003

LM01/1229  
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EXAMINER

CANGIALOSI, S

ART UNIT	PAPER NUMBER
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2746

*13*

DATE MAILED: 12/29/98

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

917,761

Applicant(s)

BELLARD

Examiner

S. Cangi, 9/051

Group Art Unit

2746

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 10/23/98
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-50 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-50 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 6, 8 but NOT 5 since no copies of refs provided.
- ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

Office Action Summary

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1. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

2. Claims 1-50 are rejected under 35 U.S.C. § 103 as being unpatentable over Owens et al, Lawlor et al or Pitroda in view of Elander et al or Zeidler or Lee et al.

Each of Owens et al (See Figs. 1,7, and 9), Lawlor et al (See Figs. 1,2) or Pitroda (See Figs. 1,2,30, and 31) disclose a process and apparatus for image based e commerce including verification at the point of sale by a remote host substantially as claimed. The differences between the above and the claimed invention is a specific network structure and a key based comparison. It is noted the broad independent claims appear to be readable on all forms of electronic point of sale systems and methods available in the last several decades. For example, each

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of Elander et al (See Figs. 1, 5a and 5b) or Zeidler (See Figs. 1-9) or Lee et al (See Figs. 1-3) show encrypted financial networks employing some type of key based comparison for authorization of a specific transaction. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Owens et al, Lawlor et al or Pitroda modified by Elander et al or Zeidler or Lee et al because it is conventional and standard practice to provide some remote authorization based on a key-type comparison and they are no more than the conventional equivalents of what is disclosed, suggested and intended in the primary item of evidence. The deficiencies of the art with respect to the dependent claims deal with the conventional cryptographic digital signal protocols. It is noted that the claims as now drafted are overly broad with respect to the wide body of prior art.

Information disclose dated 2/4/98 was not considered since no copies of the references are supplied.

Any inquiry concerning this communication should be directed to Salvatore Cangialosi at telephone number (703) 305-1837.

  
**SALVATORE CANGIALOSI**  
**PRIMARY EXAMINER**  
**ART UNIT 222**